

**Draft Letter**

**3/25/02**

**T Luke**

April 11, 2002

Re: Headgate and Measuring Device Requirements for Antelope Creek Diversions,  
Water District 34, Big Lost River and Tributaries

Dear Water User,

It is the understanding of the Idaho Department of Water Resources (IDWR) that water right holders who met at the annual district meeting last month adopted a resolution providing that the watermaster of Water District 34 hire an assistant to regulate water deliveries on Antelope Creek. The users present at the meeting also adopted a resolution requiring users to install measuring devices or else risk curtailment of water delivery by the water district watermaster. It is the Department's further understanding that a number of users have complied with the resolution requiring measuring devices but that there are still some Antelope Creek water users who have not yet taken action on this matter. It is our understanding also that very few of the diversions on Antelope Creek have adequate headgates or controlling works.

Last year, as in other recent drought years, IDWR and the water district received an increased number of complaints from users within the district regarding water delivery problems and potential inappropriate diversions. It is apparent that water supplies this year will again be below normal and that there will be additional pressures and calls for delivery of water. It is important that the watermaster and his assistant on Antelope Creek have an ability to measure and control diversions. The watermaster simply cannot perform his or her duty without such devices.

The purpose of this letter is to advise all users owning or operating diversions from Antelope Creek that both the water district and IDWR expect compliance with the adopted resolutions of the district. Additionally, Section 42-701, Idaho Code (copy enclosed) requires that all water users diverting water from public sources shall maintain to the satisfaction of the director of the department suitable headgates and measuring devices at the point of diversion. IDWR requests that all users diverting water from Antelope Creek implement the following steps:

- 1) Install measuring devices of a type acceptable to the department for all diversions on Antelope Creek on or before May 15, 2002
- 2) Install on or before June 15, 2002, controlling works or headgates on all Antelope Creek diversions. Such headgates or controlling works must be capable of being locked.

Pursuant to Section 42-701, Idaho Code, users who neglect to comply with notices regarding installation of measuring devices and controlling works may be subject

to the administrative enforcement actions provided by Section 42-1701B, Idaho Code. Enforcement actions may include the issuance of Notices of Violation and Cease and Desist Orders, as well as possible civil penalties.

The department asks for your full cooperation concerning this matter. If you have questions concerning this matter please contact me directly at the above location or contact Doug Rosenkrance, Water District 34 watermaster, in Mackay at 588-3137.

Respectfully,

Tim Luke  
Manager, Water Distribution Section

Cc: IDWR Eastern Region

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